



Express Mail No.: EV452773015US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Brines *et al.*

Confirmation 5119  
No.:

Serial No. 09/717,057

Art Unit: 1647

Filed: November 21, 2000

Examiner: DeBerry R.

For: MODULATION OF EXCITABLE TISSUE  
FUNCTION BY PERIPHERALLY  
ADMINISTERED ERYTHROPOIETIN

Attorney Docket: 10165-010-999

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

**UNDER 37 C.F.R. §1.56 and §1.97**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 and § 1.97 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to the references FA-FB listed on the attached revised form PTO 1449. Copies of references FA-FB are provided herewith.

Identification of the listed references is not to be construed an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application. Consequently, Applicants respectfully decline to use form PTO-1449, since this form identifies all of the references cited therein as "Prior Art". As an alternative, Applicants submit herewith a "revised form PTO 1449" entitled "List of References Cited" instead of "List of Prior Art Cited".

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

Each reference contained in this Supplemental Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Supplemental Information Disclosure Statement, a copy of which communication is enclosed herewith. As such, according to 37 CFR § 1.97(c), Applicants believe that no fee is due for filing this Supplemental Information Disclosure Statement. However, should a fee be required, please charge the required fee to Jones Day Deposit Account No. 503013. A duplicate copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

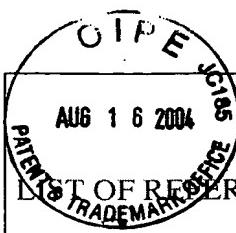
Date: August 16, 2004

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Enclosure

*by: Joseph P. Cahill Aug 16, 51,573*



		ATTY DOCKET NO. 10165-010-999	APPLICATION NO 09/717,057
		APPLICANT Brines et al.	
		FILING DATE November 21, 2000	GROUP 1647

### U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
							YES      NO

### OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	FA	Spivak and Hogans, 1989, "The in vivo metabolism of recombinant human erythropoietin in the rat", Blood 73:90-99
	FB	Wojchowski and Caslake, 1989, "Biotinylated recombinant human erythropoietins: bioactivity and utility as receptor ligand", Blood 74:952-958

EXAMINER	DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.